

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROY RASHAD WELLS EL,

Plaintiff,

Case No. C23-1566 RSM

V.

## ORDER TO SHOW CAUSE

## FIRST TECH FEDERAL CREDIT UNION,

Defendant.

14 Plaintiff has filed an application to proceed *in forma pauperis* (“IFP”) in the above-  
15 entitled action. (Dkt. # 1.) In the IFP application, Plaintiff indicates he is not employed and has  
16 received no money from any source for the past twelve months, has no money available in cash  
17 or accounts, and has monthly expenses of \$0. (*Id.* at 1-2.) Plaintiff provides no other information  
18 explaining why he cannot pay court fees and costs. (*See id.* at 2.)

19 The district court may permit indigent litigants to proceed IFP upon completion of a  
20 proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). “To qualify for *in forma pauperis* status,  
21 a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the  
22 claims he or she seeks to pursue are not frivolous.” *Ogunsalu v. Nair*, 117 F. App’x 522, 523  
23 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant

1 must show that he “cannot because of his poverty pay or give security for the costs and still be  
2 able to provide himself and dependents with the necessities of life.” *Adkins v. E.I. DuPont de*  
3 *Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations omitted).

4 Plaintiff’s application omits information necessary for the Court to determine his ability  
5 to pay. Plaintiff does not, for example, inform the Court how he pays for food, shelter, or other  
6 basic necessities of life.<sup>1</sup> Plaintiff should not, under these circumstances, be authorized to  
7 proceed IFP.

8 Accordingly, Plaintiff is ORDERED to show cause by **October 27, 2023**, why the Court  
9 should not recommend his IFP application be denied. The Clerk is directed to send copies of this  
10 Order to Plaintiff and to the Honorable Ricardo S. Martinez.

11 Dated this 16th day of October, 2023.

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13 MICHELLE L. PETERSON  
14 United States Magistrate Judge  
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22 <sup>1</sup> Plaintiff’s complaint, concerning denial of a loan application, attaches as an exhibit a July 2023 letter  
23 from Defendant with a checklist of principal reasons for credit denial. (See dkt. # 1-1 at 5.) The Court  
notes the reasons that are *not* checked include: “Income insufficient for amount of credit requested”; “Unable to verify income”; “Temporary or irregular employment”; and “Unable to verify employment[.]” (Id.)